

SECTION 7

307.001

REGULATING THE DISCHARGE OF WASTEWATER INTO THE CITY SYSTEM (PRETREATMENT).

A. Table of Contents.

<u>TITLE</u>	<u>SECTION NUMBER</u>
General Provisions	307.001. B.
Regulations	307.001. C.
Limitations on Wastewater Strength	307.001. D.
Accidental Discharge	307.001. E.
New Connections	307.001. F.
Building Sewer Design and Connections	307.001. G.
Private Wastewater Disposal	307.001. H.
Control of Certain Prohibited Substances	307.001. I.
Fees	307.001. J.
Administration	307.001. K.
Enforcement	307.001. L.
Penalties	307.001. M.
Severability	307.001. N.
Conflict	307.001. O.

(Ord. 84-07, Sec. 1, 10/15/84 amended by Ordinance Codification).

B. General Provision.

1. *Purpose and Policy.* This Ordinance sets forth uniform requirements for discharges into the City's wastewater disposal system and enables the City to comply with all State and Federal laws.

The objectives of this Ordinance are:

- a) to prevent the introduction of pollutants into the wastewater disposal system which will interfere with the operation of the system or the use of disposal of the sludge; and
- b) to prevent the introduction of pollutants into the wastewater disposal system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be compatible with the system; and
- c) to improve the opportunity to recycle and reclaim waste- water and sludge from the system; and
- d) to ensure compliance with the City's NPDES Permit.

This Ordinance provides for the regulation of discharges into the City's wastewater disposal system through the issuance of permits to certain users and through enforcement of the general requirements for the other users, authorizes monitoring and enforcement activities and requires user reporting.

This Ordinance shall apply to the City of Winsted, Minnesota and to persons outside the City who are, by contract or agreement with the City, users of the City wastewater disposal system. This Ordinance is a supplement to Ordinance No. 81-06. Except as otherwise provided herein, the City of Winsted or its authorized representative, shall administer, implement and enforce the provisions of this Ordinance.

2. *Definitions.* Unless the context specifically indicates otherwise, the following terms, as used in this Ordinance, shall have the meanings hereinafter designated:
- a) "Act" - The Federal Water Pollution Control Act also known as the Clean Water Act, 33. U.S.C. §§ 1251, et seq.
 - b) "Biochemical Oxygen Demand (BOD₅)" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
 - c) "City" - The City of Winsted, Minnesota or the City Council of Winsted, Minnesota.
 - d) "Combined Sewer" - A sewer intended to serve as a sanitary sewer and a storm sewer.
 - e) "Director" or "Superintendent" - Said person shall be that person which the City Council designates to administer, implement and enforce the provisions of this Ordinance.
 - f) "Industrial User" - A person who discharges to the City's wastewater disposal system, liquid, gaseous, or solid wastes resulting from the processes employed in industrial, manufacturing trade, or business establishments, or from the development of any natural resource.
 - g) "Interference" - The inhibition or disruption of the (City's) wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the (City's) NPDES or State Disposal System Permit. The term includes prevention of sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act (33 U.S.C. §§ 1251 et. seq) or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of disposal or use employed by the City.
 - h) "National Pollutant Discharge Elimination System (NPDES) Permit" - Any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. §§ 1251 et. seq); for the purpose of regulating the discharge of sewage, industrial wastes, or other wastes under the authority of Section 402 of the Act.
 - i) "Non-Contact Cooling Water" -The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.
 - j) "Normal Domestic Strength Wastewater" - Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 242 mg/l and a suspended solid concentration not greater than 269 mg/l.
 - k) "Person" - The State or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.
 - l) "pH" - The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

- m) "Pretreatment" - The process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the (City's) wastewater disposal system. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this Ordinance.
- n) "Sanitary Sewer" - A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.
- o) "Shall" - is mandatory; "May"- is permissive.
- p) "Significant Industrial User" - Any industrial user of the (City's) wastewater disposal system which (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than five percent (5%) of the flow in the (City's) wastewater disposal system, or (iii) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or Minnesota Statutes and rules, or (iv) has a significant impact, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- q) "State" - State of Minnesota.
- r) "State Disposal System Permit" - Any permit (including any terms, conditions and requirements thereof), issued by the MPCA pursuant to Minnesota Statutes § 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 5.
- s) "Storm Sewer or Storm Drain" - A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.
- t) "Storm Water" - Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- u) "Suspended Solids" - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by a standard glass fiber filter.
- v) "User" - Any person who discharges, causes or permits the discharge of wastewater into the City's wastewater disposal system.
- w) "Wastewater" - The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's wastewater disposal system.
- x) "Wastewater Disposal System" or "System" - Any devices, facilities, structures, equipment or works owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastewater or necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection system, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

- y) "Waters of the State" - All streams, lakes, ponds, marshes, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- z) Terms not otherwise defined herein shall be as given in Minnesota Statutes, Chapters 115 and 116.

(Ord. 84-07, Sec. 1.02, 10/15/84 amended by Ord. 85-01, Sec. 2 and Sec. 3, 8/19/85)

C. Regulations.

1. *General Discharge Prohibitions.* No user shall discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or to any public sewer:
 - a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the wastewater disposal system or to the operation of the system. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent (5%) nor any single reading be over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
 - b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage, with particles greater than one half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
 - c) Any wastewater having a pH less than five (5) or more than ten (10) or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the wastewater disposal system.
 - d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interactions with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.
 - e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
 - f) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to, dye wastes and vegetable tanning solutions.
 - g) Any wastewater which creates conditions at or near the wastewater disposal system which violate any statute or any rule, regulation or ordinance of any public agency or state or federal regulatory body.

- h) Any wastewater having a temperature greater than 150° F (65.6°C), or causing individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104° F (40° C).
- i) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause inhibition or disruption in the wastewater disposal system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentrations, quantities, or flow of the user during normal operation.
- j) Non-contact cooling water or unpolluted storm or groundwater.
- k) Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of (150 mg/1) or containing substances which may solidify or become viscous at temperatures between 32° F and 150° F (0og C and 65.6° C); and any wastewater containing oil and grease concentrations of mineral origin of greater than (100 mg/1), whether emulsified or not.
- l) Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that they would cause disruption with the wastewater disposal system.
- m) Any waters or wastes containing BOD₅ or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of section 307.001.C.2. In forming this opinion as to the acceptability of wastes, the Superintendent will give consideration to the quantity of the wastes, the capacity of the treatment plant, and the City's NPDES permit.
- n) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- o) Any waters or wastes containing the following substances to such a degree that any such material received in the composite wastewater at the wastewater treatment works is detrimental to the treatment process, adversely effects receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act:
 - arsenic
 - cadmium
 - copper
 - cyanide
 - lead
 - mercury
 - nickel
 - silver
 - chromium
 - zinc
 - phenolic compounds

(Ord. 84-07, Sec. 2.01, 10/15/84 amended by Ord. 85-01, Sec. 5 and Sec. 6, 8/19/85)

2. *City's Remedies Upon a Prohibited Discharge.* If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in 307.001.C. and/or which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; receiving waters and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the City may:
 - a) Reject the wastes,
 - b) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 3.07(b) of the Act and section 307.001.D. below,
 - c) Require control over the quantities and rates of discharge, and/or,
 - d) Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.

If the City permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owner's expense, and shall be in accordance with section 307.001.D.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Winsted and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, providing that National Categorical Pretreatment Standards and the City's NPDES and/or State Disposal System Permit limitations are not violated and such industry pays its proportionate share of operations, maintenance and replacement costs based on the user's proportionate contribution to the total wastewater loading from all users in accordance with 40 CFR § 35.2140.

The provisions of this Section are in addition and in no way limit any other provisions contained in this Ordinance.

(Ord. 84-07, Sec. 2.01.1, 10/15/84 amended by Ord. 85-01, Sec. 7, 8/19/85)

3. *Additional Prohibitions.* In addition to these prohibitions, no user shall discharge to any public sewer any discharge which causes interference, as defined, with the wastewater disposal system. Pollutants in the effluent from an industrial user shall not be considered to cause interference where the industrial user is in compliance with specific prohibitions or standards developed by federal, state, or local governments. Where the industrial user is in compliance with such specific prohibitions or standards, and pollutants in the effluent from the industrial user's facility nevertheless are determined to have caused or significantly contributed to a violation of any requirement of the (City's) NPDES or State Disposal System Permit, and are likely to cause such a violation in the future, the (City) must take appropriate action to develop and enforce specific effluent limits for that industrial user to ensure renewed and continued compliance with the (City's) NPDES or State Disposal System Permit.

(Ord. 84-07, Sec. 2.01.2, 10/15/84)

D. Limitations on Wastewater Strength.

1. *National Categorical Pretreatment Standards.* National categorical pretreatment standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this Ordinance unless the Director has applied for and obtained from the MPCA approval to modify the specific limits in the national categorical pretreatment standards. When

requested, an application for modification of the national categorical pretreatment standards will be considered for submittal by the Director when the (City's) wastewater treatment system achieves consistent removal of the pollutants. "Consistent removal" shall be defined as in 40 CFR § 403.7 (a) (1) of the "General Pretreatment Regulations for Existing and New Sources of Pollution". Conditional revisions of national categorical pretreatment standards may be made by the (City) in accordance with 40 CFR § 403.7 (b) (2) (i-iv) of the "General Pretreatment Regulations for Existing and New Sources of Pollution" if requested by the industry(ies) in accordance with requirements of 40 CFR § 403.7 (b) (1) (i).

2. *State Requirements.* State Requirements and limitations on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable ordinance.
3. *City's Right of Revision.* The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 307.001.B. of this Ordinance.
4. *Dilution.* No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained herein, contained in the national categorical pretreatment standards, or contained in any state requirements.

(Ord. 84-07, Sec. 2.02, 10/15/84)

- E. **Accidental Discharge.** Each user shall provide protection from accidental discharges of prohibited materials or other substances regulated by this Ordinance. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review, and shall be approved by the Director before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of the ordinance. Users shall notify the Director immediately upon having a slug or accidental discharge of substances or wastewater in violation of this Ordinance in order to enable countermeasures to be taken by the Director to minimize damage to the wastewater disposal system and the receiving waters. Such notifications will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the City on account thereof under any state or federal law. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a slug or accidental discharge. Employers shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

(Ord. 84-07, Sec. 2.03, 10/15/84)

- F. **New Connections.** Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD₅, and Suspended Solids, as determined by the Superintendent.

(Ord. 84-07, Sec. 2.04, 10/15/84 amended by Ord. 85-01, Sec. 8, 8/19/85)

G. **Building Sewer Design and Connections.**

1. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

2. Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.
3. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
4. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
5. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.
6. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent or his representative, to meet all requirements of this Ordinance.
7. The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, shall apply.
8. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
9. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater disposal system.
10. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas tight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.
11. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Superintendent or authorized representative thereof.

12. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the City.

(Ord. 84-07, Sec. 2.05, 10/15/84 amended by Ord. 85-01, Sec. 9, 8/19/85)

H. **Private Wastewater Disposal.**

1. Where a public sewer is not available under the provisions of this Ordinance, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section.
2. Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the City. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the City.
3. A permit for private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City or its authorized representative. The City or its representative shall be allowed to inspect the work at any stage of construction, and, in any event, the application for the permit shall notify the City when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice except no inspections will be made on Saturdays or Sundays or legal holidays.
4. The type, capacities, location and layout of a private waste-water disposal system shall comply with all requirements of Minn. R. 7080.1050-2550, entitled "Individual Sewage Treatment System Standards." No septic tank or cesspool shall be permitted to discharge to any natural outlet.
5. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within thirty (30) days in compliance with this Ordinance, and within thirty (30) days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.
6. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.
7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

(Ord. 84-07, Sec. 2.06, 10/15/84 amended by Ord. 85-01, Sec. 10, 8/19/85)

- I. **Control of Certain Prohibited Substances.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 307.001.C.1.k., any flammable wastes as specified in Section 307.001.C., sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.

(Ord. 84-07, Sec. 2.07, 10/15/84 amended by Ord. 85-01, Sec. 11, 8/19/85)

J. Fees.

1. *Purpose.* It is the purpose of this chapter to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees, to be prepared, from time to time, by the Director and approved by the City Council.
2. *Charges and Fees.* The City Council shall adopt charges and fees which may include:
 - a) Fees for monitoring, inspections and surveillance procedures;
 - b) Fees for permit applications;
 - c) Appeal fees; and
 - d) Other fees as the Director may deem necessary to carry out the requirements contained herein.

(Ord. 84-07, Sec. 3.01 and 3.02, 10/15/84)

K. Administration.

1. *General User Reports.* The Director may require that any persons discharging or proposing to discharge wastewater to the wastewater disposal system file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, rates of flow, mass discharge rate, raw material and production quantities, hours of operation, number and classification of employees, compliance status with any state or federal pretreatment standards, or other information which relates to the generation of waste, including wastewater constituents and concentrations in the wastewater discharge. Such reports may also include sludge disposal practices and the chemical constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged. At a minimum, a summary of such data indicating each industrial user's compliance with this Ordinance shall be prepared quarterly and submitted to the Director. In addition to discharge reports, the Director may require information in the form of Wastewater Discharge Permit applications, self-monitoring reports, and compliance schedules.
2. *Wastewater Discharge Permits – Mandatory Permits.* All industries proposing to connect or commence a new discharge to the wastewater disposal system shall obtain a Wastewater Discharge Permit before connecting to or discharging into the wastewater disposal system if the discharge would result in the industry being classified as a significant industrial user. All existing significant industrial users or industrial users subject to national categorical pretreatment standards under Section 307(b) and (c) of the Act connected to or discharging into the wastewater disposal system shall obtain a Wastewater Discharge Permit within 180 days after the effective date of this Ordinance. In the event an industrial user agreement is entered into by and between a user and the City of Winsted, the information contained therein may be used by the City of Winsted in lieu of the information requested in paragraph 307.001.K.1. Permit Application herein, notwithstanding the City of Winsted's continued right to require any and all information indicated in paragraph 307.001.K.2.a. Permit Application, as it deems necessary.
 - a) Permit Application. Users required to obtain a Wastewater Discharge Permit shall complete and file with the City Clerk-Treasurer, an application in the form prescribed by the City Clerk-Treasurer, and accompanied by a fee established by the City Council. Existing users shall apply for a Wastewater Discharge Permit within 30 (optional) days after the effective date of this Ordinance, and proposed new users shall apply at least 180 days prior to connecting or discharging to the wastewater disposal system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- 1) Name, address, and location (if different from the address);
- 2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- 3) Wastewater constituents and characteristics including but not limited to those governed by Chapter Two (2) of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- 4) Time and duration of discharge;
- 5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- 6) Plans showing the location of sewer connections and appurtenances by size, location and elevation;
- 7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged, including sludges, floats, skimmings, etc.;
- 8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, state or national categorical pretreatment standards, and (for an existing discharge) a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards. If additional operation and maintenance and/or pretreatment will be required, a proposed schedule by which the changes will be completed shall be submitted. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standard. No increment shall exceed 9 months in length, and progress reports concerning each increment shall be submitted within 14 days following each increment date;
- 9) Each product produced by type, amount, and rate of production;
- 10) Type and amount of raw materials processed (average and maximum per day);
- 11) Number of full and part time employees, and hours of work; and,
- 12) Any other information as may be deemed by the Director to be necessary to evaluate the permit application.

The Director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Director may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

- b) Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of the Ordinance and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:
- 1) The unit or schedule of user charges and fees for the wastewater to be discharged to the wastewater disposal system;
 - 2) Limits on average and maximum wastewater constituents and characteristics;
 - 3) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
 - 4) Requirements for installation and maintenance of inspection and sampling facilities;
 - 5) Requirements for installation, operation, and maintenance of pretreatment facilities;
 - 6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
 - 7) Compliance schedules;
 - 8) Requirements for submission of technical reports or discharge reports;

- 9) Requirements for maintaining and retaining plan records relating to wastewater discharge as specified by the Director, but in no case less than three years, and affording Director access thereto;
 - 10) Requirements for notification to and acceptance by the Director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 - 11) Requirements for notification of slug or accidental discharges as provided in Section 307.001. E. of this Ordinance, and reporting of permit violations;
 - 12) Requirements for disposal of sludges, floats, skimmings, etc.; and,
 - 13) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.
- c) Permit Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Director during the term of the permit as limitations or requirements as identified in Chapter 2 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- d) Permit Modifications. Within 9 months of the promulgation of a national categorical pretreatment standard, the Wastewater Discharge Permit of users, subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a Wastewater Discharge Permit as required by this Ordinance, the user shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing Wastewater Discharge Permit shall submit to the Director within 180 days after the promulgation of an applicable national categorical pretreatment standard, the information required by this Ordinance. If the information previously submitted in an application is still current and adequate, only a letter from the user certifying such is required.
- e) Permit Transfer. Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Director. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.
3. *Monitoring Facilities.* Monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems shall be provided and operated by all industrial users. The monitoring facility should normally be situated on the user's premises, but the Director may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole of facility to allow accurate sampling and compositing of samples for analysis. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Director's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Director, unless a time extension is otherwise granted by the Director.

4. *Inspection and Sampling.* The Director shall inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Director ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Director, MPCA and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with any security guards so that upon presentation of suitable identification, the Director, MPCA and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
5. *Pretreatment.* Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of the Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Director prior to the user's initiation of the changes. All records relating to compliance with pretreatment standards shall be made available by the Director to officials of the EPA or MPCA upon request.

Any user subject to a national categorical pretreatment standard, after the compliance data of such pretreatment standard, or, in the case of the commencement of a new discharge to the wastewater disposal system, shall submit to the Director during the months of June and December, unless required more frequently in the pretreatment standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Sections 307.001.K.1. and 307.001.K.2. of the chapter. The Director may agree to alter the months during which the above reports are to be submitted.

6. *Final Compliance Date Reporting Requirements.* Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of the commencement of a new discharge to the wastewater disposal system, any user subject to pretreatment standards and requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the facility into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by the user, and certified to by a qualified professional.
7. *Confidential Information.* Information and data on a user obtained from applications, permits, monitoring programs and inspections shall be available to the public or other government agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods or production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made

available upon written request to governmental agencies for uses related to this Ordinance, the NPDES Permit, State Disposal System permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Director as confidential, shall not be transmitted to any governmental agency or to the general public by the Director until and unless a ten (10) day notification is given to the user.

8. *Sludges Generated.* Sludges, floats, skimmings, etc., generated by an industrial or commercial pretreatment system shall not be placed into the (City's) wastewater disposal system. Such sludges shall be contained, transported, and disposed of in accordance with all federal, state, and local regulations.

(Ord. 84-07, Sections 4.01 through 4.08, 10/15/84, amended by Ord. 85-01, Sec. 1, Sec. 12 and Sec. 13, 8/19/85)

L. **Enforcement.**

1. *Slug or Accidental Discharges.* The Director may suspend the wastewater treatment service of a user and/or a Wastewater Discharge Permit (after informal notice to the discharger) when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or to the wastewater disposal system, or would cause the City to violate any condition of its NPDES or State Disposal System Permit. Any user notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater disposal system or endangerment to any individuals. The Director shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the Director within fifteen (15) days of the date of occurrence.
2. *Revocation of Permit.* In accordance with the procedures of Section 307.001.L. of this Ordinance, the Director may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of his discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring or for violation of conditions of its permit, this Ordinance, or applicable state and federal regulations.
3. *Notification of Violation.* Whenever the Director finds that any person has violated or is violating this Ordinance, Wastewater Discharge Permit, or any prohibition, limitation or requirement contained herein, the Director may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, unless a shorter time frame is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the City by the user.
4. *Show Cause Hearing.*
 - a) Notice of Hearing. If the violation is not corrected by timely compliance, the Director may order any user which causes or allows an unauthorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reason why the action is to be taken, the proposed enforcement action, and directing

the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or office of a corporation.

- b) Hearing Officials. The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the (assigned department) to:
 - 1) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the protection of evidence relevant to any matter involved in such hearings; and
 - 2) Take the evidence; and
 - 3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.
- c) Transcripts. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.
- d) Issuance of Orders. After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service will be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
- e) Legal Action. If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Ordinance, federal or state pretreatment requirements or any order of the City, the City Attorney may, following the authorization of such action by the City Council, commence an action for appropriate legal and/or equitable relief.
- f) Appeal to the City Council. Any interested party shall have the right to request in writing an interpretation or ruling on any matter covered by this Ordinance and shall be entitled to a written reply from the City.

Any decision of the Director in the enforcement of this Ordinance may be appealed to the City Council by filing a written petition with the City Clerk-Treasurer within thirty (30) days of the Director's ruling. Said petition shall specify in detail the matter or matters involved and every ground or basis on which objections are made. Said petition shall show the names, addresses and telephone numbers of all objectors and their attorney at law or spokesman. The filing of a petition in accordance with the requirements herein shall stay all proceedings unless the Director shall file within seventy-two (72) hours after the filing of a petition, a certificate stating that a stay would cause peril to life or property or specifying other good reason.

The City Council shall fix a reasonable time for hearing of the petition or appeal and give due notice of the time and place of said hearing to parties named in the petition as attorney or spokesman. The hearing shall be open to the public. Petitioners shall be given full opportunity to present evidence in support of their petition after which the Director may present evidence in support of his decision. The City Council shall decide the appeal within a reasonable time and notify the attorney or spokesman. The minutes of the City Council shall constitute the official record of the petition, hearing, and decision. Any party desiring a transcript of the proceedings shall furnish a qualified court reporter at their own expense.

(Ord. 84-07, Sections 5.01 through 5.07, 10/15/84 amended by Ord. 85-01, Sec. 14, 8/19/85)

M. Penalties.

1. *Civil Penalties.* Any user who is found to have violated an Order of the City Council or who has failed to comply with any provisions of this Ordinance, and the orders, rules, regulations and permits issued hereunder, shall be fined not more than Five Thousand and no/100ths (\$5,000.00) Dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney fees, Court costs, Court Reporters fees and other expenses of litigation by an appropriate action against the person found to have violated this Ordinance or the order, rules, regulations, and permits issued hereunder.
2. *Falsifying Information.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than ninety (90) days, or both.

(Ord. 84-07, Sections 6.01 through 6.03, 10/15/84 amended by Ord. 85-01, Sec. 15, 8/19/85)

- N. **Severability.** If any provision, paragraph, word, section or chapter of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

(Ord. 84-07, Sec. 7.01, 10/15/84)

- O. **Conflict.** All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

(Ord. 84-07, Sec. 8.01, 10/15/84)